

## **Attachment I: National Dislocated Worker Grant Program Guidance and Application Information**

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## **Purpose of this Program Guidance**

This program guidance outlines the framework for the National Dislocated Worker Grant Program, detailing its purpose, policies, priorities, and requirements. Additionally, the guidance includes various examples (see Attachment II) that are intended clarify specific policies, requirements, and expectations.

## **Part 1: National Dislocated Worker Grant Program Policies**

### **Section 1.A: Types of DWGs**

#### **Disaster Recovery DWGs**

##### **Description**

Disaster Recovery DWGs provide temporary disaster-relief employment, as well as employment and training activities, as appropriate, in response to applicable emergency or disaster declarations as defined in 20 CFR 687.110(b), including public health emergencies. Disaster Recovery DWGs help address employment and economic recovery from the impact of disasters and emergencies in disaster-declared areas.

##### **Qualifying Events**

The following events are eligible for Disaster Recovery DWGs:

1. Emergencies and major disasters, as defined under Section 102 of the Stafford Act (42 U.S.C. 5122), declared by FEMA as eligible for Public Assistance.
2. Emergencies or disaster situations of national significance, natural or man-made, that could result in a potentially large loss of employment, as declared or otherwise recognized and issued in writing by the chief official of a Federal agency with jurisdiction over the Federal response to the disaster or emergency. Federal agency declarations might be made by the Department of Health and Human Services, the Environmental Protection Agency, the Small Business Administration, Economic Development Administration, or others. In some cases these declarations, such as the public health emergency declarations for COVID-19 or the opioid epidemic, established a new qualifying event that remains in effect until the qualifying declaration is rescinded or expires.

Not every Federal emergency or disaster declaration will automatically meet the standard for “national significance” as required by WIOA. Applicants requesting a Disaster Recovery DWG for an emergency or disaster of national significance must demonstrate that a potentially large loss of employment could result from a disaster or emergency. ETA defines “potentially large” in this context as the potential loss of at least 50 jobs within the disaster area covered by the relevant declaration within the jurisdiction of the applicant.

3. Relocation of a substantial number of individuals from a state, tribal area, or outlying area affected by a disaster or emergency to other states, tribal areas, or outlying areas outside the disaster or emergency area.

ETA will determine whether a relocation is “substantial” based on the information provided in the DWG application.

### **Eligible Applicants**

Eligible applicants for Disaster Recovery DWGs are the state, outlying area, or Indian tribal governments as defined by the Stafford Act, 42 U.S.C. 5122(6).

### **Eligible Participants**

The following are eligible to receive services provided through a Disaster Recovery DWG, per 20 CFR 687.170(b):

1. Individuals temporarily or permanently laid off as a consequence of the emergency or disaster;<sup>2</sup>
2. Dislocated workers as defined in WIOA Section 3(15), including displaced homemakers as defined in WIOA Section 3(16); see TEGL 19-16 for more specific information on the flexibilities that WIOA provides to Governors concerning establishing procedures for interpreting and applying the definition of dislocated worker to individuals;
3. Long-term unemployed individuals<sup>3</sup>, as defined by the state or other eligible entity; or
4. Self-employed individuals who became unemployed or significantly underemployed as a result of the emergency or disaster.

When determining participant eligibility, grant recipients must develop and follow written policies and procedures. Such policies and procedures should address terms such as “laid off as a consequence of the emergency or disaster,” long-term unemployed, and significantly underemployed. (*See Attachment II for additional information and examples related to the Disaster Recovery DWG participant eligibility categories.*)

In addition, grant recipient policies must include a protocol for verifying participant eligibility in alignment with WIOA. In situations when disaster events impact the availability of eligibility documentation, self-attestation is acceptable as an eligibility determinant. As is the case in all other WIOA programs, for data elements that allow self-attestation, self-attestation serves as the acceptable documentation and grant recipients do not need to obtain any additional documentation to validate the self-attestation for those elements. Grant recipients who subaward to other entities must ensure that these entities have a process for determining eligibility, which can include self-attestation of characteristics when other documentation is unavailable.

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<sup>2</sup> This eligibility category provides grant recipients flexibility to identify and enroll participants in a Disaster Recovery DWG, as it contains several terms that grant recipients can apply to best fit the disaster situation. ETA encourages grant recipients to use this flexibility to enroll and serve the maximum range of eligible participants. See Attachment II for additional information.

<sup>3</sup> This definition of a long-term unemployed individual is unique to the DWG program. Unlike other WIOA Title I Programs, the DWG program does not require any specific determination of number of weeks unemployed or other factors to qualify as “long-term unemployed.” ETA recommends that states and other entities eligible to apply for Disaster Recovery DWGs develop a definition for long-term unemployed individuals that is most appropriate to best carry out the Disaster Recovery DWG activities. See Attachment II for additional information.

Note: Enrollment in a Disaster Recovery DWG is not restricted to individuals impacted by the qualifying event. Enrollment is only limited by eligibility as defined above. That is, grant recipients can enroll individuals who meet the definition of “dislocated worker” in WIOA, and long-term unemployed individuals as defined by the grant recipient, even if the dislocation or the unemployment is not a result of the qualifying event.

### **Allowable Grant Activities**

**Disaster-Relief Employment.** Disaster Recovery DWGs provide funding for the creation of disaster-relief employment, which is temporary employment of eligible individuals for the purposes described in WIOA Section 170(b)(1)(B) and (d), as well as 20 CFR 687.180(b) and (c).<sup>4</sup> Applicants must demonstrate that any disaster-relief employment to be created under a Disaster Recovery DWG will be designed or intended to mitigate the humanitarian, physical, or economic impacts of the disaster, and that the work to be performed aligns with the following categories:

1. *Cleanup and recovery* efforts including demolition, cleaning, repair, renovation and reconstruction of damaged and destroyed structures, facilities and lands located within the disaster area and in offshore areas related to the emergency or disaster; or
2. Employment related to the *delivery of appropriate humanitarian assistance* in the aftermath of the disaster or emergency; more information on humanitarian assistance is provided below.

**Cleanup and Recovery.** Cleanup and recovery include a broad set of activities that focus on demolition, cleaning, repair, renovation and reconstruction. Such activities may address damaged facilities, lands, or offshore areas, as appropriate, within the declared disaster area, developed in response to specific disaster events.

Cleanup and recovery activities must be designed to address, mitigate, or otherwise limit the damage, or the health and safety impacts, of the current disaster. Repairs and reconstruction must be of facilities, lands, or offshore areas damaged as a consequence of a declared disaster event. Allowable cleanup activities addressing the impacts of a public health emergency such as the opioid epidemic may be challenging to identify but may include cleaning up used needles to mitigate the spread of hepatitis or other diseases.

WIOA prohibits the use of these funds for new construction or other activities aimed at preventing the impacts of future disasters.

**Humanitarian Assistance.** Humanitarian assistance generally includes actions designed to save lives, alleviate suffering, and maintain human dignity in the aftermath of disasters. This assistance includes activities supporting projects that distribute food, clothing, shelter and other humanitarian assistance. The humanitarian assistance provided by disaster-relief employment participants must be in response to the impacts or the needs resulting from the disaster situation named in the Federal declaration.

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<sup>4</sup> Disaster Recovery DWG participants shall be provided benefits and working conditions at the same level and to the same extent as other employees working a similar length of time and doing the same type of work (WIOA Section 181(b)(5)).

When using DWG-funded Disaster-Relief Employment to deliver or provide humanitarian assistance, grant recipients cannot use DWG funds to purchase the material goods to be delivered to individuals impacted by the disaster.

Examples of humanitarian assistance in a public health emergency include providing support for addiction treatment services and serving as peer recovery navigators or in other peer-focused positions that support individuals struggling with opioid addiction or recovery from opioid addiction.

Due to the variable nature of emergencies and disasters, ETA will consider humanitarian assistance activities on a case-by-case basis; therefore, applicants are expected to demonstrate that any proposed disaster-relief employment for humanitarian assistance thoroughly addresses the following:

1. How the proposed employment activities and duties are designed to address specific humanitarian assistance needs created by the declared disaster,
2. How the disaster created the need for disaster-relief employment positions; and
3. How the proposed disaster-relief employment will help mitigate the effects of the declared disaster by addressing the humanitarian need.

*For more information on what an application must contain, please review the Community Needs Assessment in Section 2.A below. For examples of cleanup and humanitarian assistance activities, see Attachment II.*

The provision of general humanitarian assistance that *solely or primarily* focuses on the prevention of or planning for future disaster events is not allowable under a Disaster Recovery DWG. WIOA allows activities that provide prevention and planning for future events only if these activities are incidental to responding to the humanitarian assistance needs created by the current event.

*Exception to the Disaster-Relief Employment Requirement.* Generally, Disaster Recovery DWG projects must include disaster-relief employment in response to the Federally declared disaster event. As necessary, ETA may approve grants that offer employment and training activities only; such an exception would only be considered in the following situations:

1. Disaster Recovery DWGs are awarded in response to non-Stafford Act disaster or emergency declarations, where the circumstances and nature of the disaster do not allow for cleanup or humanitarian temporary employment opportunities authorized by WIOA; or
2. Disaster Recovery DWGs are awarded to grant recipients responding to declared disasters in other geographic areas due to an influx of individuals who have relocated to the recipients' location. In these circumstances, the DWG may provide employment and training activities as the primary activity since participants are outside of the disaster area. However, these grants may also offer participants disaster-relief employment where appropriate.

In alignment with 20 CFR 687.180, grant recipients must develop and follow policies to effectively carry out disaster-relief employment activities.

Employment and Training Activities. Disaster Recovery DWGs may provide employment and training activities to eligible participants following a qualifying disaster or emergency, per WIOA Section 170(d)(1)(C). As noted above, DWG funds may provide employment and training activities regardless of an individual's participation in disaster-relief employment.

As a general goal, employment and training activities should be designed to allow participants to obtain unsubsidized, sustainable, and quality employment following the conclusion of grant-supported activities.

In alignment with both 20 CFR 687.180 and the Uniform Guidance, grant recipients must develop and follow policies to effectively carry out employment and training activities.

To ensure alignment with these requirements, ETA regional office staff are available to work with any state, outlying area, or Indian tribal government that receives a Disaster Recovery DWG but is unfamiliar with the requirements of WIOA related to allowable employment and training activities.

Participant Enrollment Options. While most Disaster Recovery DWG projects must include disaster-relief employment, not all participants in a Disaster Recovery DWG project are required to participate in disaster-relief employment. Grant recipients may enroll Disaster Recovery DWG participants in:

- Disaster-relief employment only;
- Employment and training activities only; or
- Both disaster-relief employment and employment and training activities.

Grant recipients should assess the specific needs of each participant, and consider the needs and priorities created by the declared emergency or disaster event, to determine the appropriate disaster recovery activity in which to enroll them: disaster-relief employment, employment and training activities, or both. These activities may occur concurrently, or one may occur before the other.

Supportive Services. Supportive services provide resources or payments that are necessary to enable individuals enrolled in WIOA Title 1 programs to participate in and achieve successful outcomes in WIOA-funded activities.

Supportive services are allowable under Disaster Recovery DWGs when needed to enable individuals to be enrolled in and maintain participation in grant activities. There are two ways that supportive services may be utilized for Disaster Recovery DWGs:

- To enable a participant to participate in disaster-relief employment, and to safely and effectively carry out the job for which they have been hired; or
- To enable a participant to engage in grant-funded employment and training activities or obtain unsubsidized employment.

Any supportive services provided must be consistent with WIOA, applicable ETA regulations and guidance, and grant recipient policies.<sup>5</sup>

Other Allowable Activities. To enable successful grant activities and outcomes, support participants in achieving successful placement in unsubsidized employment in good jobs, and better serve participants from marginalized communities, Disaster Recovery DWGs may use grant funds to carry out additional activities. *Attachment II includes examples of other activities that may be allowable under a Disaster Recovery DWG.*

Applicants are encouraged to describe any of these or other activities as part of the Community Needs Assessment or other parts of the application for Disaster Recovery DWG funds to help tell the story of the full scope of the kinds of planned interventions.

### **General Policies: Disaster Recovery DWGs**

Limit on Disaster-Relief Employment Duration. Participants in disaster-relief employment positions may be employed for a maximum of 12 months or 2,080 hours, whichever is longer.<sup>6</sup> *(See Attachment II for information on how this disaster-relief employment limitation may apply in cases where there may be more than one Disaster Recovery DWG operating.)*

Note: The limit on employment duration is determined by an *individual participant's* hours worked, not by the start date of the grant, or the date of an award of a contract to a Disaster-Relief Employer.

Participant Wages. In accordance with WIOA Section 181(a)(1)(A), generally, participants must be compensated at the same rates, including periodic increases, shift differential, benefits, or overtime pay, as any employees who are similarly situated working in similar positions at the same employer and who have similar training, experience, and skills. In cases where the Disaster-Relief Employer does not have any other temporary employees working in similar positions with similar training, experience and skills as the grant participants, DOL interprets this section to require that the employer pay the DRE employees the same as the employer's permanent employees who are working in similar positions. Such rates must be in accordance with applicable laws but must not be less than the higher of the rate specified in Section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) or the applicable state or local minimum wage law. Where applicable, fringe benefits should be paid in accordance with the benefits that the Disaster-Relief Employer offers its own employees. *See Section 2.A for more information on Disaster-Relief Employers.*

In cases where the Disaster-Relief Employer does not have other employees doing the same or similar work and with similar training, experience, and skills, grant recipients must ensure that the wages that they will pay to participants:

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<sup>5</sup> For more information on supportive services, see TEGL No. 19-16 (<https://www.dol.gov/agencies/eta/advisories/training-and-employment-guidance-letter-no-19-16>).

<sup>6</sup> Grant recipients may request a grant amendment to extend the period of employment for existing participants for up to an additional 12 months. This amendment request must justify extending participants' disaster-relief employment, as required by 20 CFR 687.180(b)(1).

1. are in alignment with the industry standard for that type of work in the area where the work is to be performed, supported by documentation in the application; or,
2. in the absence of a determinable industry standard, are at least \$15 per hour.

These additional wage requirements are beneficial to both workers and communities affected by disasters, as they will ensure that disaster-relief employment funds are used to accelerate the financial recovery of unemployed and underemployed participants. They may also lead to faster hiring and project startup, enabling grant recipients to more quickly deploy DWG funds to mitigate the effects of disasters. Grant recipients must comply with these requirements under the terms and conditions of their grants, which include compliance with agency policy guidance such as TEGLs.

Grant recipients requesting that ETA negotiate different wage terms must provide documentation in the application specifying how particular circumstances warrant different terms and that they are in the best interests of the workers and/or communities being assisted.

Disaster-Relief Employment Locations. Generally, disaster-relief employment must be carried out in the geographic area covered by the qualifying disaster declaration.

Grant recipients must give the highest priority to cleanup of the disaster areas' most severely damaged public communities, facilities, and property, and to the cleanup and the provision of humanitarian assistance to economically disadvantaged areas within the disaster area. Where possible, grant recipients should prioritize enrollment of eligible individuals most in need of economic support or workforce development services.

While Disaster Recovery DWG projects generally carry out work on public property, work may also be conducted on private property when the following conditions are met:

1. The work must be intended to remove health and safety hazards to the larger community, or to address or alleviate specific economic or employment-related impacts of the disaster, such as cleanup work needed for disaster-affected employers to resume or continue operations;
2. The activities are necessary to remove health and safety hazards on private lands or around homes, businesses or other structures and may only return the land or structure(s) to a safe and habitable level, or operational status, and will not improve the original land or structure(s); and
3. Grant recipients must not use Disaster Recovery DWG funds to cover the cost of materials to do repairs.

Grant recipients must maintain documentation under the Disaster Recovery DWG for all worksites, including the dates and hours worked by each participant. For work on private property, documentation must include the rationale for the determination that such work was allowable under this guidance. Grant recipients are not required to receive prior approval from the Department to work on private property.

Preventing Future Disaster Impacts. Generally, disaster-relief employment under Disaster Recovery DWGs will not be authorized for activities primarily designed to prevent or address the impacts of future disasters. Under WIOA Section 170(d)(1), DWG activities must be designed to mitigate the effects of the current declared disaster for which the grant was awarded; activities



that may prevent future disasters or their impacts are permissible only where such activities are incidental to addressing the impacts of the current disaster or emergency. (*See Attachment II for a comparison of activities that may be allowable and those that may not.*)

Coordination with Emergency Management Agencies. The grant recipient must coordinate the activities funded under a Disaster Recovery DWG with the appropriate organizations, including state emergency management agencies, to avoid duplication of efforts and to ensure that activities appropriately respond to the affected community's needs after a disaster. The grant recipient must coordinate with any Federal agencies handling the Federal response to the disaster or emergency in the areas grant recipients are delivering services, either through direct contact or contact with state or local agencies coordinating with these Federal agencies. See Section 2.A below for the information that must be provided in an application to meet this requirement.

Mitigating Environmental Impacts. Disaster Recovery DWG recipients should be aware that any disaster-relief activities carried out, including those under Disaster Recovery DWGs, must comply with requirements of the National Environmental Policy Act (NEPA) and the Endangered Species Act (ESA). While the state emergency agencies are generally responsible for ensuring NEPA and ESA compliance, Disaster Recovery DWG recipients should communicate with other disaster response officials in the state to ensure that all required steps have been taken, including notification to the Fish and Wildlife Service as required.<sup>7</sup>

Health and Safety Standards. In all DWG projects, grant recipients must establish written policies specifying that Disaster-Relief Employers ensure that project participants are afforded the same health and safety standards established under Federal and state law applicable to working conditions of permanent employees. To the extent that state workers' compensation law applies, Disaster-Relief Employers must provide workers' compensation to project participants on the same basis as individuals in similar employment, as required by WIOA Section 181(b)(4). In cases in which a project participant is not covered under a state workers' compensation law, based on the status of the Disaster-Relief Employer with whom the participant is placed, the temporary nature of their employment, or another reason, the project participant must be provided with appropriate on-site medical and accident insurance for work-related activities. The grant recipient must also ensure that project participants receive appropriate safety training and ensure safe working conditions in accordance with the Occupational Safety and Health (OSH) Act of 1970.<sup>8</sup>

Incorporating Additional Disaster Events. Disaster Recovery DWG funds awarded to a grant recipient may be available for expenditure for additional declared disasters or situations of national significance that occur within the same program year the funds were initially awarded. The addition of disaster events to an existing DWG project requires prior approval from the grant officer through a grant amendment request.

Requirements for Unemployment Insurance (UI) Coverage. In some cases, temporary disaster-relief employment participants may be eligible for unemployment benefits at the conclusion of their employment. Unemployment Insurance eligibility for such individuals is based on state laws and the specific employer for whom they work; state UI laws generally indicate which

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<sup>7</sup> Grant recipients should consult with the appropriate state agency(ies) or Fish and Wildlife Service office (<https://www.fws.gov/our-facilities?type=%5B%22Conservation%20Office%22%5D>) to meet this requirement.

<sup>8</sup> For more information, contact the appropriate OSHA field office. A listing of OSHA field offices is available at <https://www.osha.gov/contactus/bystate>.

employers are required to pay relevant UI taxes. DWG funds may be used to pay required UI-related taxes; however, the grant may not be used to pay penalties for failure to remit employer taxes or provide unemployment insurance coverage where required by law.

## **Employment Recovery DWGs**

### **Description**

Employment Recovery DWGs provide resources for eligible applicants to respond to major economic dislocations and their associated economic impacts. Major economic dislocations include plant closures and mass layoffs, closures and realignments of military installations, and other economic events that cause significant job losses.

Early intervention activities are key to gathering demographic information and identifying the needs and interests of affected workers. Therefore, DWG applications are generally expected to reflect the results of early intervention processes and strategies. Applications should be informed by any assessments of participant demographics, current labor market information, business demands, and potential participants' needs. Evidence from early intervention provides a rationale for enrollment estimates and how proposed grant activities will meet the needs of the participants.

Employment Recovery DWGs provide employment and training assistance to dislocated workers and other eligible participants as described below.

### **Qualifying Layoff Events**

The following are qualifying events which permit an eligible entity to submit an application for Employment Recovery DWG funding. After receiving the application, DOL will review the application and determine whether to award DWG funding. 20 CFR 687.110(a)(5) states that the Secretary of Labor may determine additional qualifying events.

Mass Layoff or Plant Closure. Layoffs or plant closures affecting 50 or more workers from at least one employer within the applicant's service area are a qualifying event for Employment Recovery DWGs. As long as at least one layoff or plant closure affecting 50 or more workers is documented, applicants are not required to demonstrate more than one layoff of 50 or more workers as part of the qualifying event. However, additional information may be required in an application to substantiate the size and scope of a DWG funding request.

Community Impact. Multiple small dislocations occurring over a period of up to 12 months that have significantly increased the number of unemployed individuals in a state, regional, or local workforce area or areas, often in rural areas, may qualify for an Employment Recovery DWG. These community impact events might not reach 50 affected workers but create a substantial economic impact.

Higher-than-Average Demand for Services from Dislocated Members of the Armed Services. A higher-than-average demand for employment and training activities for dislocated members of the Armed Services and dislocated military spouses that exceeds state and local resources for providing such activities may qualify for Employment Recovery DWG funding.

The higher-than average demand qualifying event, unlike a mass layoff or community impact, requires additional information to demonstrate that the qualifying event described in WIOA section 170(b)(1)(D) has occurred. An applicant will be expected to demonstrate each of the following elements:

- 1) There is a demand for employment and training services for dislocated members of the Armed Services and dislocated military spouses that is above average; and
- 2) This demand for employment and training services by this population will exceed existing state and local resources for providing such services.

An applicant also must demonstrate that the activities in its proposed project will be carried out in partnership with Department of Defense and Department of Veterans Affairs transition assistance programs, as well as other programs serving this population within the American Job Center (AJC) system or through partner programs, as appropriate.

*For a detailed description of how these requirements can be demonstrated in an application, please see Section 2.A below.*

Applicants who are not a state workforce agency or local workforce development board (WDB) must coordinate with appropriate local WDBs or with the state to obtain data to determine the demand for employment and training activities for military service members and spouses, as well as information on limitations of available formula funds to meet the higher-than-average demand. WIOA Section 166 Indian and Native American Program-related applicants can coordinate with states or local areas to obtain such data, and ETA will consider alternative data sources from these applicants.

### **Eligible Applicants**

Eligible applicants for Employment Recovery DWGs are:

1. States or outlying areas, or a consortium of states;
2. Local WDBs or a consortium of WDBs;
3. Entities eligible for funding through the Indian and Native American Program in WIOA Section 166(c);
4. Entities determined to be appropriate by the governor of the state or outlying area involved; or
5. Entities that demonstrate to the Secretary of Labor their capability to effectively respond to circumstances related to particular dislocations.

For items 4 and 5, such entities may include, but are not limited to, unions or labor-management partnerships as appropriate.

*See section 2.A for information on the documentation required for the entities identified in items 4 and 5 above to demonstrate their eligibility to apply for Employment Recovery DWGs.*

### **Eligible Participants**

For Employment Recovery DWGs, the following individuals are eligible to receive employment and training assistance:

1. Dislocated workers as defined in WIOA Section 3(15), including displaced homemakers as defined in WIOA Section 3(16), dislocated members of the Armed Forces (service

members who are transitioning to the civilian workforce) and recently separated veterans who are dislocated. This includes all members of the Armed Forces who were discharged under conditions other than dishonorable.<sup>9</sup> See TEGL 19-16 for more specific information on the flexibilities that WIOA provides to Governors with regard to establishing procedures for interpreting and applying the definition of dislocated worker to individuals.

2. Other members of the Armed Forces.<sup>10</sup>
3. An individual who is employed in a non-managerial position with a Department of Defense contractor, who is determined by the Secretary of Defense to be at risk of termination from employment as a result of reductions in defense expenditures, and whose employer is converting operations from defense to nondefense applications in order to prevent worker layoffs;
4. In the case of the passage of a formal Base Realignment and Closure (BRAC) law, additional Employment Recovery DWG participant eligibility may exist. ETA will issue special program guidance in such cases.

Note: Individuals who have lost their job due to retaliation may meet eligibility requirements at WIOA 3(15) under certain circumstances.

As with Disaster Recovery DWGs, grant recipients are responsible for developing written policies and procedures for determining participant eligibility. These policies must include a protocol to verify participant eligibility that aligns with WIOA; as in other WIOA programs, self-attestation can be an acceptable way of validating eligibility when other forms of documentation are not easily available. For data elements that allow self-attestation, self-attestation serves as the acceptable documentation and grant recipients do not need to obtain any additional documentation to validate the self-attestation for those elements.

Please note: WIOA does not require that participants served under an Employment Recovery be affected by the layoff(s) that served as the qualifying event; the only qualification that WIOA establishes is that participants must be eligible dislocated workers. Once the qualifying event has been established, an applicant may request funds to enroll and serve eligible dislocated workers in the proposed service area. Applicants may be expected to provide sufficient detail in an application to establish that the requested funding amount and planned participant numbers align with demonstrable needs, as described in Section 2.A below.

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<sup>9</sup> A basic requirement to qualify as a dislocated worker is that the worker be terminated or laid-off. The term “terminated” is not defined in the WIOA statute or regulations. It is Department of Labor policy that being discharged, under conditions other than dishonorable, either voluntarily or involuntarily, terminates the employment relationship between the individual and the military for the purposes of the WIOA definition of a dislocated worker. To be eligible, the separating or separated service member must also satisfy other criteria for dislocated worker eligibility, including the requirement that the individual is “unlikely to return to a previous industry or occupation.”

<sup>10</sup> A member of the Armed Forces who was on active duty or full-time National Guard duty (as defined in 10 U.S.C. 1141) and is involuntarily separated, or is separated under the special separation benefits program at 10 U.S.C. 1174(a) or the voluntary separation incentive program at 10 U.S.C. 1175; is not entitled to retired or retained pay incident to the separation; and applies for employment and training assistance within 180 days of separation, is eligible to receive services under an Employment Recovery DWG.

## **Allowable Activities**

Employment and Training Assistance. For DWGs, the terms “employment and training assistance” and “employment and training activities” are used interchangeably, and include career services, training services, and supportive services, as described below. In alignment with both 20 CFR 687.180 and the Uniform Guidance, grant recipients must develop and follow policies to effectively provide employment and training assistance.

*Career Services.* Career services are described in WIOA Section 134(c)(2), 20 CFR Part 680, and TEGL 19-16. These are activities designed to help support dislocated workers in making informed decisions for the purpose of achieving reemployment and education goals. Career services may include, but are not limited to outreach, intake, labor exchange services, initial and comprehensive assessments, development of an individual employment plan, referral, provision of labor market information, work experiences including transitional jobs or internships, and information on eligible training providers and the availability of supportive services.

*Training Services.* As described in WIOA Section 134(c)(3)(D), training services are allowable under Employment Recovery DWGs and may include occupational training, work-based learning such as on-the-job training and Registered Apprenticeships, entrepreneurial training, and customized training. DWG funds may be used to reimburse up to 50 percent of the wage rate for on-the-job training or up to the reimbursement percentage the Governor or local WDB has approved for on-the-job training for WIOA formula programs according to the criteria outlined in WIOA Section 134(c)(3)(H) and 20 CFR 680.730. If a state has a waiver to reimburse on-the-job training at higher rates, that waiver may be applied to the DWG. *See Part 4, Administrative Policies, for more information.* The use of DWG funds for training is subject to the limitations or requirements as applicable to the WIOA Dislocated Worker formula program delineated in 20 CFR part 680 and TEGL 19-16.

*Supportive Services.* Supportive services are often an important element in participants’ success and are allowable whenever they are needed to enable individuals to participate in employment and training activities. Supportive services offered to participants under an Employment Recovery DWG have the same requirements and features of supportive services delivered in the WIOA Dislocated Worker formula program. DWG supportive services must align with the state or local area supportive service policy and have the same requirements as WIOA Dislocated Worker formula program supportive services per 20 CFR part 680 and TEGL 19-16.

Other Allowable Activities. To ensure successful outcomes and placement in unsubsidized employment in good jobs for DWG participants, in particular participants from marginalized communities, Employment Recovery DWGs may further use grant funds to carry out other necessary activities that directly benefit enrolled participants. *See Attachment II for examples of activities that may be allowable and appropriate for Employment Recovery DWG projects.*

## Part 2: DWG Applications

### Section 2.A: Application Information and Requirements

#### Demonstrating Applicant Eligibility

Some entities are required to provide additional information to demonstrate their eligibility to apply for Employment Recovery DWGs as described in section I.A.2 above. These requirements are as follows:

1. Entities determined to be appropriate by the governor of the state or outlying area must attach a signed letter from the Governor, on official letterhead, identifying the organization and indicating why the Governor has determined it appropriate to carry out a DWG project.
2. Entities that aim to demonstrate to the Secretary of Labor their capability to effectively respond to circumstances related to particular dislocations must submit documentation that the applicant has:
  - i. expertise with workforce development or training and addressing the impacts of large-scale dislocation events on affected workers;
  - ii. the geographic or administrative reach to handle large-scale workforce issues;
  - iii. financial and administrative capability to administer a Federal grant;
  - iv. a letter of support for its DWG application from the relevant state workforce agency(ies) and WDBs for all of the geographic area(s) the DWG will serve;<sup>11</sup>
  - v. the capacity to submit required performance data through ETA's performance reporting system; and
  - vi. completed the pre-application activities required by 20 CFR 687.140.

In cases where the applicant is not the state workforce agency (i.e., the state agency that receives WIOA Dislocated Worker formula funds), the applicant must work collaboratively with its state workforce agency or appropriate local WDBs to ensure that the applicant coordinates with Rapid Response efforts, or otherwise coordinates with early intervention activities as required in 20 CFR 687.140. Such applicants are also responsible for collecting and reporting applicable performance data per WIOA requirements. Where appropriate, partnering with applicable workforce system entities may provide support in understanding and reporting of performance data.

#### Application Submission

Applications for DWG funding are accepted at any time through Grants.gov (<https://www.grants.gov>). The application must meet the requirements outlined in Section 170 of WIOA and implementing regulations at 20 CFR part 687, and this DWG operational guidance, and be responsive to any additional information requested by the Grant Officer. Applications that are incomplete or do not meet the requirements of this TEGL may be returned; applicants may resubmit an amended funding request for further consideration. For detailed instructions on applying for DWGs, and information on the Suggested Application, see ETA's How to Apply webpage (<https://www.dol.gov/agencies/eta/grants/apply>).

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<sup>11</sup> This requirement is designed to ensure that there will not be duplication of services for the same potentially eligible participant population between local AJCs and a DWG grant applicant working to meet this eligibility requirement, should the applicant be awarded a DWG.

## **Unique Entity ID (UEI) and Sam.gov Registration**

Before applying, applicants must register with the System for Award Management (SAM) and obtain an Unique Entity Identifier (UEI). Submission requirements stipulate that all applicants for Federal grant and funding opportunities must supply their UEI number on the SF-424.

Instructions for registering with SAM are available online (<https://sam.gov/content/entity-registration>). An awardee must maintain an active SAM registration with current information at all times during which it has an active Federal award or an application under consideration. To remain registered in the SAM database after the initial registration, states must review and update the registration at least every 12 months from the date of initial registration. Failure to register with SAM and maintain an active account will result in Grants.gov rejecting your submission.

Applicant information provided on the SF-424 must match with the SAM registration, including the applicant's legal name, address, nine-digit zip code, employer identification number (EIN), and UEI.

## **Timing of Applications**

### **Disaster Recovery DWGs**

*Emergency Application.* ETA offers the opportunity for eligible applicants to submit an abbreviated emergency application for Disaster Recovery DWG funds in the immediate aftermath of a qualifying emergency or disaster declaration, which may enable the recipient to begin grant activities while continuing to assess the full impact of the disaster and developing a full application. As noted in Section 2.B below, applicants are not expected to identify their full funding request when submitting an emergency application; ETA will award an initial funding allotment designed to provide sufficient funding to begin grant activities while the grant recipient develops a full Disaster Recovery DWG application.

Generally, ETA will accept emergency applications as follows:

1. When a declaration of a qualifying disaster by FEMA or other Federal agency having jurisdiction over the disaster is made within 45 business days of the date of the emergency or disaster event; and
2. An emergency application is submitted not more than 15 business days after the qualifying declaration.

In cases where a qualifying emergency or disaster declaration is issued more than 45 business days after the disaster event began, ETA generally expects that applicants will submit a full application reflecting a comprehensive assessment of the impacts of the declared emergency or disaster.

ETA expects grant recipients awarded Disaster Recovery DWG funding under an emergency application to begin serving eligible participants as quickly as possible to support economic and employment-related recovery in the disaster area(s). Grant recipients may carry out allowable grant activities such as participant outreach, implementing subrecipient or project operator agreements, identifying potential worksite employers, and enrolling participants in employment and training activities immediately upon approval of an emergency application, or as early as the

date of the qualifying emergency or disaster declaration, if requested in the application and approved in the grant award.

As part of the emergency application, applicants may request approval for disaster-relief employment positions that address the impacts of the declared disaster. Cleanup or humanitarian assistance disaster-relief employment may begin as soon as an emergency award is approved, or as early as the date of the qualifying emergency or disaster event, if requested in the application and approved in the grant award.

*See Grant Start Date in Section 2.B for more information on what information must be provided in such cases. In addition, see Section 3.D for more information on how ETA funds emergency applications, and what information is required in an emergency application.*

**Full Application.** A full application for a Disaster Recovery DWG is expected to reflect the results of the following activities, as described in § 687.140(b): (1) Conduct a preliminary assessment of the clean-up and humanitarian needs of the affected areas; (2) Reasonably ascertain that there is a sufficient population of eligible individuals to conduct the planned work; and (3) Coordinate with the Local WDB(s) and chief elected official(s) of the local area(s) in which the proposed project is to operate.

Within 60 business days following the notification of an award of a Disaster Recovery DWG requested via an emergency application, the grant recipient must amend the grant to provide a full and complete application, including a funding request. Grant recipients who anticipate challenges with meeting the 60-day requirement should notify ETA for technical assistance or to request an extension not to exceed 30 business days. Failure to submit a full application within the required timeframe may be considered when determining future requests for funding and period of performance extensions. Additionally, failure to submit a timely full application may result in other restrictions placed on the grant award.

Applicants may also submit a full application, in lieu of an emergency application, which must contain a complete statement of work, project budget, and other applicable documents or information that support the project. The full application submitted must clearly merit the funding request, be reasonable based upon the disaster's impact and resulting needs on the community and demonstrate compliance with WIOA. Applicants should consider the needs of eligible participants and other factors and request a grant start date that enables such services to be provided through the Disaster Recovery DWG as quickly as possible. *See the Grant Start Date description in Section 2.B. below for more information on when grant activities may begin.*

**Employment Recovery DWGs.** To the extent possible, applications for an Employment Recovery DWG should be submitted within 120 days of a qualifying layoff event to facilitate the timely delivery of reemployment services.<sup>12</sup> DWG services may be provided to participants at the time of eligibility determination, which may be as early as notification of layoff (receipt of an individual layoff notice or the date of the company's layoff announcement) or the date of the layoff itself. Applicants should consider the needs of eligible participants and other factors and

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<sup>12</sup> For Employment Recovery DWGs requested in response to a Community Impact qualifying event, applicants should consider the 120-day timeframe to begin at the time of the last layoff event included in the calculation that a qualifying Community Impact is occurring, or no later than one year after the first of the layoffs included in the calculation occurred.



request a grant start date that enables such services to be provided through the Employment Recovery DWG as quickly as possible. *See the Grant Start Date description in Section 2.B. below for more information on when grant activities may begin.*

### **Applications for DWG Funds**

All DWG funds must be requested through an application submitted to ETA. There is no required application format for DWGs, and applicants may use any format of their choosing. However, to support a streamlined application process, ETA has developed suggested application forms that contain all of the required information in one place. While applicants are not required to use these suggested forms, any application that does not include the suggested form must ensure that all required application elements are addressed.

Application Information for “Higher-than-Average Demand for Services” Employment Recovery DWG Qualifying Events. ETA requires applicants to provide additional information to demonstrate that a Higher-than-Average Demand for Services qualifying event has occurred.

To demonstrate that demand for employment and training services by dislocated members of the Armed Forces and eligible spouses is “higher-than-average” and therefore constitutes a qualifying event for an Employment Recovery DWG, an applicant must address each of the three main elements described below, as required by WIOA Section 170(b)(1)(D). While these main elements are required by WIOA, the methods, data sources, and time frames that demonstrate the required elements are at the discretion of the applicant. The language below includes examples or options that may be useful to applicants.

*First*, an applicant must demonstrate that the current demand for services by dislocated members of the Armed Services and dislocated spouses exceeds average demand. An applicant may demonstrate this demand through any applicable data or information including the number of dislocated members of the Armed Services and eligible spouses who have sought any employment or training-related services from AJCs (in-person or virtually) in one or more local areas, or statewide. Such data may be gathered from one or more local workforce areas within a state or territory, or from a regional area which may cover more than one state as appropriate, to best enable the applicant to determine the average demand.

An application therefore must address:

1. *Average Demand.* An application must show how the applicant calculated the *average* demand for employment and training services by dislocated members of the Armed Services and dislocated spouses. Average demand should be determined based on data for at least the two years immediately prior to the year that will be used to determine the current demand. For example, an applicant could identify the average demand on a program year basis by calculating the average demand for services for the three previous full Program Years (July 1-June 30) for which there are data available at the time of application. In this example, the average demand for services should not include the current Program Year’s data.
2. *Current Demand.* The application must then show how the applicant calculated the *current* demand for employment and training services by dislocated members of the Armed Services and dislocated spouses, using the same methodology or information used to determine the average demand. Current demand may be related to a one-time event such as a large transition of military members leaving service from a base or other

facility, an ongoing transition over a longer period of time (up to the 12 months prior to the date of application), or from an increase in dislocated service members and dislocated spouses moving into a community, region, local workforce area, or state over a period of up to 12 months prior to the application. For example, if an applicant calculated the average demand using the program year basis, an applicant may show the demand for services, or a projected total demand, for the *current* program year.

3. *Current Demand Exceeds the Average.* Finally, the application must demonstrate that the *current* demand for employment and training services (as described in #2 above) for this same population exceeds, or is on target to exceed, the average demand (as described in #1 above).

Note: WIOA only requires that an applicant demonstrate that *current demand* is higher than *average demand* to establish this element of the qualifying event.

*Second*, an applicant must demonstrate that the higher-than-average demand exceeds existing state or local resources for providing the employment and training services. In alignment with the other Employment Recovery DWG qualifying events (mass layoff and community impact), to show that the demand will exceed existing resources, an applicant must provide sufficient information to demonstrate that either:

1. the total number of dislocated members of the Armed Services and spouses seeking, or intending to seek, employment and training services in one or more local areas, or statewide, is at least 50; or
2. the total number of dislocated members of the Armed Services and spouses seeking employment and training services is fewer than 50 individuals, but the impact still exceeds existing state or local resources to provide employment and training services.

*And third*, an applicant must demonstrate that services to dislocated members of the Armed Services and dislocated military spouses will be carried out in partnership with the Department of Defense and Department of Veterans Affairs transition assistance programs. To demonstrate this, an applicant must provide evidence of existing partnerships, or concrete plans for developing partnerships, with entities that provide transition assistance to veterans and dislocated service members and spouses through the Department of Veterans Affairs, Department of Defense, or DOL VETS.

DWG Funding Requests. ETA expects that funding amounts requested in applications for all DWGs meet the requirements of “allowable” as defined by the Uniform Guidance (necessary, reasonable, and allocable) based on the impact of the qualifying event and its associated economic and employment-related impacts on the affected community or communities, the total number of participants expected to be served, the types of services that are likely to be delivered, and other relevant criteria. Applicants must provide sufficient justification in an application to establish that the requested funding amount, areas to be served and planned participant numbers align with demonstrable needs. *See Section 2.B below for more information on how ETA assesses “allowability” when reviewing funding requests for DWGs.*

An applicant may submit an application that includes relevant information on the overall availability of formula funds to serve eligible dislocated workers in the service area of the proposed grant, including:

- The qualifying event and its direct and indirect impacts on dislocations in the project service area; or
- Other related economic events within the project service area that further affect the ability of the workforce system to provide services to eligible dislocated workers.

This information supports an applicant's request to serve an appropriate number of planned participants (regardless of the circumstances that caused their dislocation) and the total funding amount requested.

Community Needs Assessment. The Community Needs Assessment is submitted as part of a DWG application and conducted pursuant to 20 CFR 687.140. It describes the qualifying event and its associated impacts and sets the scope of the planned response.

For Disaster Recovery DWG applications, the Community Needs Assessment describes at a minimum:

- The impacts of the declared emergency or disaster event, including how the proposed grant will prioritize communities and individuals most at-need due to the effects of the declared disaster or emergency situation or due to economic or other disadvantage; applicants may consider identifying such communities within the declared emergency or disaster area through the Climate and Economic Justice Screening Tool;<sup>13</sup>
- The cleanup or humanitarian needs that stem from the impacts of the declared emergency or disaster;
- How the proposed disaster-relief employment will address the needs and help mitigate the effects of the declared emergency or disaster event and promote community recovery including through creating a pathway to high-quality employment opportunities;
- How the grant recipient expects to recruit and enroll eligible individuals and ensure that participants are able to successfully complete their grant-funded activities, such as by utilizing grant funds to provide critical supportive services such as child care, transportation, or other critical resources to reduce or remove barriers to participation that often affect those who could most benefit from participation in the grant; and
- How DWG funds will provide opportunities for individuals to return to unsubsidized employment as a result of grant activities. For purposes of this Community Needs Assessment, applicants are encouraged to describe how they will provide employment and training activities that will lead to participants' employment in good jobs, which include employment that features a family-sustaining wage and benefits, promotion potential, opportunities for worker voice and input, equitable hiring practices, or other factors as described by the applicant.<sup>14</sup>

For emergencies or disasters of national significance (i.e., those declared by a Federal agency other than FEMA), the Community Needs Assessment must additionally demonstrate that the declared emergency or disaster has "national significance that could result in a potentially large loss of employment," as required by WIOA section 170(a)(1)(B). Applicants do this by

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<sup>13</sup> The Climate and Justice Screening Tool (<https://screeningtool.geoplatform.gov/>) includes a map of all Census tracts that are disadvantaged by burdens in climate change, energy, health, housing, legacy pollution, transportation, water and wastewater, and workforce development.

<sup>14</sup> For more information on good jobs visit the Good Jobs website ([www.goodjobs.gov](http://www.goodjobs.gov)), or see TEGL No. 07-22.

demonstrating that the emergency or disaster could result in the loss of at least 50 jobs in the area covered by the declaration.

For Employment Recovery DWGs (and for Disaster Recovery DWGs that anticipate including employment and training activities in addition to disaster-relief employment), the Community Needs Assessment must at a minimum:

- Describe the qualifying layoff or other event as required in Part I above;
- Describe the resulting economic impacts of the qualifying event as well as any broader or additional economic effects or challenges including secondary or related layoffs, increases in unemployment, or other factors where applicable, that impact the community or communities to be covered by the proposed project;
- Explain why existing formula and/or other funds are unable to meet the employment and training needs created by the qualifying event and other associated layoffs or numbers of eligible dislocated workers, by providing current formula funds (or other funds) available, number of participants generally served through these funds, and the unmet need created by the qualifying event and associated impacts;
- Provide an overview of the broader economic situation, layoff impacts, or other challenges impacting the ability of the grant recipient and any subrecipients to effectively serve eligible dislocated workers in the communities to be included in the project where appropriate to justify the planned participant and funding level request;
- Identify populations to be targeted for services including those who have been historically marginalized, explaining specific barriers and strategies to address these barriers (such as providing necessary supportive services such as child care or transportation to enable participants to successfully enroll, participate in, and complete grant-funded activities); and
- Describe how DWG funds will provide opportunities for individuals to return to unsubsidized employment as a result of grant activities. For purposes of this Community Needs Assessment, applicants are encouraged to describe how they will provide employment and training activities that will lead to participants' employment in good jobs, which include employment that features a family-sustaining wage and benefits, promotion potential, workers ensured a voice in the operation of the organization, equitable hiring practices, or other factors as described by the applicant.

Demonstrating Coordination with Emergency Management Agencies. Under WIOA, as described in Section I.A. above, Disaster Recovery DWG recipients must ensure coordination with FEMA or other emergency management agencies, as appropriate. Entities submitting a full application for Disaster Recovery DWG funding are expected to include a contact from the relevant state or other applicable emergency management agency and provide a description of the anticipated coordination activities that will be carried out to ensure that duplication of activities are limited and to best respond to and recover from the effects of the declared emergency or disaster event.

For Disaster Recovery DWGs submitted to address the impacts of the opioid epidemic or other public health emergency situations, an applicant could coordinate with a state health, mental health, opioid response, or other similar agency to meet this requirement.

*For more information on the Community Needs Assessment and other application requirements, see ETA's How to Apply website (<https://www.dol.gov/agencies/eta/grants/apply>).*

Disaster-Relief Employer. Generally, Disaster Recovery DWG applications require the identification of Disaster-Relief Employers. For purposes of the DWG program, Disaster-Relief Employers are entities designated by grant recipients or subrecipients to serve as the employer for disaster-relief employment participants; as such, they have the responsibility of carrying out all day-to-day human resources and payroll activities for disaster-relief employment participants in a Disaster Recovery DWG.

ETA places no limitation on what type of entity or organization may be a Disaster-Relief Employer. When grant recipients or subrecipients contract with an entity as the Disaster-Relief Employer, including either a non-profit or for-profit entity, they must ensure that negotiations, pricing and any fees contained in the contract and charged to the grant are reasonable and fair, and that any competition is full and open. *Additional guidance t may be found in the Uniform Guidance's Procurement Standards at 2 CFR 200 and the applicable state procurement policies.*

ETA encourages grant recipients to identify and work with Disaster-Relief Employers that adhere to [The Good Jobs Principles](#). To this end, ETA urges applicants to address as part of their application how they will ensure that employment subsidized as a result of a DWG award provides good jobs as defined by these Principles. Disaster-Relief Employers offering jobs like those described in the Principles can produce higher-quality work, complete projects ahead of time, and reduce costs due to decreased worker turnover. In addition, grant recipients and subrecipients are encouraged to consider potential Disaster-Relief Employers that have demonstrated a track record of support for other Good Jobs Principles including:

- **Wages and Worker Safety:** Employers that ensure timely payment of wages that meet the local cost of living and provide safe worksites.
- **Child care or Other Benefits:** Employers that offer child care or other benefits that may be needed to attract and retain working parents.
- **Worker Voice:** Employers provide opportunities for workers to provide input on working conditions and ensure workers feel comfortable exercising their rights (e.g., reporting concerns and violations).

Subrecipients & Subawards. Where applicable, DWG applicants must identify any subrecipients that will support grant activities. As defined in 2 CFR 200.1, a subrecipient means an entity that receives a subaward to carry out part of a Federal grant, but does not include an individual who is a beneficiary of such award.

Subawards, as described 2 CFR 200.1, are awards provided by a pass-through entity to a subrecipient to carry out part of a Federal award received by the pass-through entity. They do not include payments to a contractor, payments to an individual who is a beneficiary of a Federal program, or payments to a participant. A subaward may be provided through any form of legal agreement, including an agreement that the pass-through entity considers a contract.

Grant recipients may subaward funds to local boards or other entities such as public and private agencies and organizations that were previously engaged in such projects. A grant recipient, when working with subrecipients, must ensure that it works with responsible entities to ensure successful performance. As part of its due diligence to work with responsible entities, this may include a risk evaluation or assessment to ensure that entity has the internal controls and systems in place to effectively manage the grants funds in accordance with program requirements, 2 CFR

part 200, and the terms and conditions of the subaward. Subrecipients must adhere to the same terms and conditions applicable to the DWG grant recipient. Project operators are subrecipients of a DWG grant.

Proposed Project Timeline. An application must include a timeline of the proposed project that reflects the applicant's proposed project design. The timeline should include the anticipated project implementation schedule, project goals and objectives, expected participant enrollment targets, and other relevant information that demonstrates that the proposed project is achievable and thought through. The timeline should also demonstrate that the funding request is reasonable based on anticipated activities, costs, enrollments, or other elements.

## **Section 2.B: Grant Awards**

Allowability of Costs. Part of ETA's review of a DWG application is to determine whether the costs associated with the proposed activities are allowable (necessary, reasonable, and allocable) based on the information provided in the application. Generally, a DWG application must include information that explains how the estimated costs are determined based upon existing fiscal policies or costs for comparable programs, and in alignment with the proposed project activities and Community Needs Assessment.

Award Procedures. Within 45 calendar days of the receipt of a complete and responsive application meeting all DWG submission requirements, ETA will make a decision to approve or disapprove the request. Awards are based on the availability of Federal funding and are made at ETA's discretion. ETA will issue a notice of award for successful applications no later than 10 days following the Secretary's approval of the grant award.

Grant Start Date. Unless otherwise requested by an applicant, ETA will award DWGs with start dates that align with the date of award, and all grant-funded services will begin following the date of award.

However, to better enable DWG projects to rapidly address the impacts of the qualifying disaster or layoff event, ETA encourages applicants to consider requesting in their application an earlier start date to reimburse *allowable* costs incurred for DWG activities started before the date of the award, as long as a formal request with justification for an earlier start date is included in the application and that request is approved in the grant award. The proposed start date may not precede the latest of either the first day of the current fiscal year or the date of the qualifying disaster or emergency event, for Disaster Recovery DWGs, or the qualifying layoff notification or layoff, for Employment Recovery DWGs.

Once established, the start date cannot be modified.

Period of Performance & Closeout. The period of performance for DWG funds begins at the project start date and continues through the project end date, as specified in the grant award. To help ensure that grant recipients are best able to carry out the planned grant activities, ETA will generally award DWGs with a period of performance not to exceed 36 months from the project start date, unless an applicant specifically requests a shorter period of performance. All funds must be obligated during the period of performance. The period of performance established with the initial award governs the ability to obtain incremental and additional funding. ETA will consider a one-time extension of the period of performance by up to 12 months with appropriate

justification, which includes a demonstration that the recipient will be able to complete planned grant activities within the extended period. Extensions to the period of performance will not be considered for the **sole** purpose of spending down funds or exceeding performance goals or where ETA has determined that the grant recipient to be high risk.

All final reports are to be submitted no later than 120 calendar days after the conclusion of the period of performance. (2 CFR 200.344(b)).

### **Part 3: Grant Funding Approach**

New DWG Funding Approach. This TEGL introduces a new funding approach for DWGs. Where ETA historically funded nearly all DWGs on an incremental basis, ETA will now aim to award DWGs in-full, with funding limitations as described in this section. This change in approach is driven by ETA's analysis of the DWG grants over the three-year period preceding the publication of this guidance, and considering the recent history of decreased federal funding available for DWGs. If federal funding available for DWGs were to materially increase, ETA may conduct additional analysis of the DWG funding approach.

This new funding approach is not intended to affect how or when eligible applicants apply for funding. It is describing ETA's approach to determining funding levels after receiving an application and deciding to make an award. ETA will continue to evaluate each DWG application on a case-by-case basis and determine if it is appropriate to fund in full or incrementally based on a number of factors, including availability of funds, severity of qualifying event as demonstrated in the application or as determined by the Secretary, the viability of a proposed project, and an applicant's prior performance or demonstrated capacity to effectively manage a DWG.<sup>15</sup>

DWG Funding Limitations. Availability of funds fluctuate throughout the year based upon appropriated funds and the number and severity of qualifying events affecting the workforce system. To best manage DWG resources and to ensure that DWG funds remain available throughout the year to address the needs that arise, ETA generally limits the funding amounts for both Disaster Recovery and Employment Recovery DWG awards, whether funded in full at the time of the award or funded incrementally. DWG awards will generally not exceed the following limits:

- For Disaster Recovery DWGs for FEMA-declared emergencies or disasters: \$5 million. (In cases where a disaster affects multiple large population centers within a state or where the applicant demonstrates the impacts of the qualifying event require higher funding levels, ETA may provide awards of up to \$10 million). Note that this \$5 or \$10 million limit is for a single grant award and does not necessarily represent a limit on how much assistance will ultimately be awarded to address the overall impacts of the disaster. See Section 3.C. on requesting additional funding.
  - For Disaster Recovery DWGs for emergencies or disasters of national significance, such as the public health emergency declaration for the opioid epidemic, \$1.5 million (except in extraordinary circumstances that indicate a higher award amount is appropriate).

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<sup>15</sup> Applicants should note that prior DWG experience and performance are only considerations for how funds are disbursed and are not included in determinations of whether an applicant or project is funded.

- For Employment Recovery DWGs, \$2 million (except in specific circumstances).<sup>16</sup>

These funding limitations are based on ETA’s analysis of DWG grant applications, awards, and the amount and rate of grant expenditures over the three-year period preceding the publication of this guidance. ETA will update DWG funding limitations as necessary to account for changing circumstances. In circumstances where the severity, scale, or other factors associated with a DWG qualifying event indicate, higher award amounts may be appropriate, and such determinations are made at the Secretary’s discretion.

Whether DWGs are funded in full or incrementally, the approved funding amount may be lower than the amount requested by the applicant. ETA may authorize reduced awards in situations such as the following:

- For applications requesting funding that exceeds availability of funds or published funding limitations;
- For evolving qualifying events where additional time is needed to determine the full impact, such as continuing disaster events like the opioid crisis or layoff events that are spread out over time;
- Where applicants have not demonstrated experience or performance with DWGs; or
- Based on other circumstances as determined by the Secretary.

### **Section 3.A: Grant Awards Funded in Full**

When circumstances allow, ETA will generally aim to fund DWG awards in full, up to the funding limitations described above. When grants are funded in full at the time of award, the funds received will generally be the only funds the recipient will receive under that award.

Additional funding may be considered under certain circumstances described in Section 3.C. below.

### **Section 3.B: Grant Awards Funded Incrementally**

Though ETA will generally fund awards in full, ETA may choose to fund DWGs incrementally. Situations where incremental funding may be appropriate include:

- When there is a limited availability of DWG funds;
- In certain cases where the Secretary has determined that a grant award should exceed the funding limitation;
- For awards to entities with limited or no prior experience operating DWGs, including those entities that are not a part of the public workforce system (for example, those applicants that meet the eligibility criteria of “other entities that demonstrate their capability to apply”); or
- When an applicant has a history of failing to meet performance or other benchmarks in previous DWGs.

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<sup>16</sup> *Exceptions to DWG Funding Limitation Amounts:* At its discretion, ETA may fund DWG awards at levels that exceed the limitations identified in this section. While such exceptions will be made on a case-by-case basis, examples of circumstances that might trigger an exception could include:

- Disaster events of exceptionally large scale or impact.
- Disaster events that create impacts that pose a serious threat to the national economy or to national security.
- Layoff events that result in an outsized impact on a community or region.



Incrementally funded DWGs are generally awarded with an overall up-to amount, with funds released in up to three increments as funds are expended, as project goals are met, or on a schedule established as part of the grant Terms and Conditions. Approval of the award “up-to” ceiling does not represent obligation of funds beyond the immediate increment, and each subsequent increment up to the award ceiling is contingent upon demonstration of need to support ongoing disaster-relief employment or employment and training activities, continuing or evolving community needs, and progress made toward the enrollment goals and milestones established in the approved grant agreement.

Grant recipients that are funded incrementally may be considered for the next increment when:

- The recipient has addressed all outstanding Conditions of Award;
- The recipient demonstrates that expenditures have reached, or are within 45 days of reaching, approximately 70% of the total DWG funds awarded to date. The recipient may provide evidence of obligations occurring within the 45 days to demonstrate expenditures are within 45 days of reaching 70%;
- The recipient demonstrates that program needs continue, as evidenced by enrollments, expenditures, performance measure outcomes, and other data as applicable;
- ETA reports and documentation demonstrate the grant recipient is making a reasonable effort to achieve program goals;<sup>17</sup> and
- Sufficient time remains in the period of performance to complete the full complement of services for any existing or potential new participants and fully expend the next increment.

Grant recipients may request subsequent increments of funding by submitting a grant modification request to their Federal Project Officer. Grant recipients may request a subsequent increment that is larger than the amount established in the grant Terms and Conditions; however, ETA will only consider such requests when funds are available, and the grant recipient has sufficiently demonstrated that an increase to the next increment is in the best interest of the grant program and ETA. When additional funds become available or other factors indicate, ETA may initiate renegotiation of the grant Terms and Conditions with the grant recipient as appropriate.

### **Section 3.C: Additional Funding**

Additional funding refers to funds requested once the total approved award threshold has been funded. As noted above, for particularly large disasters, states may need additional resources after using those provided in an initial DWG award. (This is different than “incremental funding” which refers to funds received up to an approved award threshold.) ETA will consider a grant recipient’s request for additional funding for DWG awards as follows:

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<sup>17</sup> ETA’s review of a request for funding increments will consider an applicant’s demonstrated success or progress towards meeting any specific outcomes and milestones identified in the initial application, as well as progress in responding to monitoring reports, audit reports, high risk notifications, and compliance with the grant agreement including terms and conditions found at the ETA Grant Resources webpage (<https://www.dol.gov/agencies/eta/grants/resources>). ETA may review quarterly performance reports to ensure that the recipient is making a reasonable effort to achieve program goals and may review monitoring reports and corrective action plans to ensure that the recipient is managing the program in compliance with the grant agreement and all relevant federal regulations. Such a demonstration should be included in the amendment requesting a funding increment and may include evidence of efforts made to achieve specific outcomes, milestones or enrollment numbers, even where the grant recipient has been unable to meet those goals.

- For DWGs funded in full: When the grant recipient demonstrates progress on program goals, via quarterly performance and expenditure reports and other documentation, and additional funds are needed due to the ongoing or changing effects of the qualifying event and its associated impacts as described in the Community Needs Assessment in the original application. Alternatively, when the grant recipient demonstrates that additional funds are needed to complete the approved project within the approved period of performance.
- For DWGs funded incrementally: When the grant recipient demonstrates the requirements above for requesting the next increment, and when the grant recipient is able to demonstrate that additional funds are needed to complete the approved project within the approved period of performance.

Grant recipients may apply for additional funding through Grants.gov. ETA will not consider requests for additional funding for activities that will require a period of performance extension in order to complete.

### **Section 3.D: Emergency Applications**

Eligible applicants may submit an emergency application for a Disaster Recovery DWG as described in Section 2.A. above. ETA will award Disaster Recovery DWGs in response to emergency applications for up to \$1,000,000 to enable grant recipients to begin grant activities as quickly as possible. Grant recipients may request funding in addition to that received following an emergency application, up to the funding amount limitation for Disaster Recovery DWGs, as part of their full application submission. The funding request included in the full application is contingent upon the grant recipient's assessment of the specific impacts of the declared disaster as described in the Community Needs Assessment, the expected number of participants to be enrolled, and the anticipated costs associated with these services.

### **Section 3.E: Other DWG Funding Criteria**

The period of performance for all DWGs will be 36 months from the start date established in the grant agreement for the initial award. Grant recipients may request one period of performance extension of up to 12 months. Such a request may be made only in the final year of the period of performance and may not include a request for additional funds.

ETA will not consider requests for incremental or additional funding, or period of performance extensions, and may impose fund drawdown or other award restrictions in cases where a grant recipient has not demonstrated compliance with the grant award Terms and Conditions or has not met established timelines for addressing conditions of award as described in a grant award document.

## **Part 4: Administrative Policies**

### **Section 4.A: Risk Review**

At its discretion, ETA intends to fund applicants that adequately demonstrate eligibility according to the application requirements. ETA may elect to award a grant with or without discussions with the applicant. Should ETA award a grant without discussions, ETA will base the award on the applicant's signature on the SF-424, including electronic signature, which constitutes a binding offer by the applicant.

NOTE: ETA will determine if the applicant had any restriction on spending for any ETA grant due to adverse monitoring findings within the past three years. Depending on the severity of the findings, the Grant Officer may elect to not provide the applicant a grant award or impose conditions on the award.

All applications deemed to be complete and responsive by the Grant Officer will go through a risk review process. Before making an award, ETA will review information available through any OMB-designated repository of government-wide eligibility qualification or Federal integrity information, such as the Federal Awardee Performance and Integrity System (FAPIIS), Sam.gov's suspension and disbarment, and "Do Not Pay." Additionally, ETA will comply with the requirements of 2 CFR Part 180 (Government-wide Debarment and Suspension Non-Procurement). This risk evaluation may incorporate results of the evaluation of the applicant's eligibility (application screening) or the quality of its application (technical review). If ETA determines that an entity is responsible and an award will be made, special conditions that correspond to the degree of risk assessed may be applied to the award. Risk-related criteria evaluated include:

1. Financial stability;
2. Quality of management systems and ability to meet the management standards prescribed in the Uniform Guidance;
3. History of performance as evident in the applicant's record in managing awards, cooperative agreements, or procurement awards; if it is a prior recipient of such Federal awards, including timeliness of compliance with applicable reporting requirements, conformance to terms and conditions; and if available, the extent to which any previously awarded amounts will be expended prior to future awards;
4. Reports and findings from audits performed under Subpart F – Audit Requirements of the Uniform Guidance (2 CFR Sections 200.500 – 200.521) or the reports and findings of any other available audits, as well as audits and monitoring reports containing findings and issues of non-compliance or questioned costs; and
5. The applicant's ability to effectively implement statutory, regulatory, or other requirements imposed on recipients.

Selection of an organization as a recipient does not constitute approval of the grant application as submitted. Before the actual grant is awarded, ETA may enter into negotiations about such items as program components, staffing and funding levels, and administrative systems in place to support grant implementation, as well as impose additional requirements on the grant-supported activities the applicant proposed. If the negotiations do not result in a mutually acceptable submission, the Grant Officer reserves the right to terminate the negotiations and decline to fund the application. ETA reserves the right to not fund any application related to this TEGl.

For-profit or commercial entities that are submitting an application must adhere to the Uniform Guidance at 2 CFR part 200 and 2 CFR part 2900. This requirement extends to subrecipients that are for-profit or commercial entities.

#### **Section 4.B: Partnership in the American Job Center (AJC) Network**

DWGs are funded through Title I of WIOA and are considered required one-stop partners in the local AJC network.<sup>18</sup> Partnership in the one-stop system provides an array of benefits to the partner organization and participants being served by the DWG, including: access to a wide array of services and resources, outreach and recruitment, connections to businesses, access to economic or labor market information, and participation in a regional economic partnership.

Most DWGs are awarded as supplemental funds to support an already existing Title I dislocated worker program, which renders them part of the existing local one-stop partnership. As such, DWG grant recipients that are currently one-stop partners would not be required to update or modify the existing Memoranda of Understanding (MOUs) or Infrastructure Funding Agreements (IFAs).

However, DWGs awarded to grant recipients that are not already one-stop partners must engage with the local workforce development board to become a partner in the AJC network and be included in the local MOUs and IFA.<sup>19</sup> DWG recipients must become one-stop partners and recognized in the MOU and IFA no later than six months from the grant award date. For more information on MOUs and IFAs, a technical assistance resource called the Sample MOU and IFA Toolkit may be found on [www.workforcegps.org](http://www.workforcegps.org).

An application for a DWG will require an applicant to indicate that they are, or commit to becoming, a one-stop partner. Tools and resources to support an applicant's efforts to become a partner may be found on ETA's How to Apply website (<https://www.dol.gov/agencies/eta/grants/apply>). The Grant Agreement will provide more information on this requirement.

#### **Section 4.C: Waivers**

20 CFR 687.190 allows approved WIOA statutory or regulatory waivers for state formula funded WIOA programs to be applied to DWGs. A grant application seeking to apply the waiver must include a description of the approved waiver and request that it be applied to the DWG. ETA will consider such requests as part of the overall DWG application review and decision process, but applicants may not use this process to request new waivers. The process for requesting a WIOA waiver is separate from the DWG application process. See TEGL 8-18, *Workforce Innovation and Opportunity Act (WIOA) Title I and Wagner-Peyser Act Waiver Requirements and Request Process*, for instructions on requesting a WIOA waiver.

Similarly, grant recipients may request already-approved statutory or regulatory waivers for a state's formula-funded WIOA programs be extended to their DWG through a grant amendment request. This amendment request also must describe the waiver and request application of the waiver to the DWG.

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<sup>18</sup> Guidance related to required WIOA partners, MOUs, and IFAs can be found in TEGL 16-16 and TEGL 17-16.

<sup>19</sup> As required one-stop partners, Native American programs (described in WIOA Section 166) are encouraged to contribute to infrastructure costs, but they are not required to make such contributions under WIOA. Any agreement regarding the contribution or non-contribution to infrastructure costs by Native American programs must be documented in the MOU (WIOA Section 121(h)(2)(D)(iv); see also 81 FR 55911-55912 of the preamble to the Joint WIOA Final Rule). See TEGL 17-16 for more information on infrastructure costs.

ETA cannot waive the statutory and regulatory requirements of DWGs, which are outside the waiver authority at WIOA Section 189(i).

#### **Section 4.D: Veterans' Priority**

DWGs are subject to the provisions of 38 U.S.C. 4215, which provides priority of service to veterans and eligible spouses in all Department of Labor-funded job training programs. Veterans and eligible spouses who meet DWG eligibility will receive priority of service for training made available under DWGs, as described in TEGL No. 10-09, *Implementing Priority of Service for Veterans and Eligible Spouses in all Qualified Job Training Programs Funded in whole or in part by the U.S. Department of Labor (DOL)*.

#### **Section 4.E: DWG Limitations**

Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance). All proposed project costs must be necessary, reasonable, and in accordance with Federal guidelines. ETA will determine allowable costs in accordance with the Cost Principles, now found in the Office of Management and Budget's Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance), codified at 2 CFR part 200 and DOL's regulations at 2 CFR part 2900. Disallowed costs are those charges to a grant that ETA or its representative determines not to be allowed in accordance with the Uniform Guidance or other conditions contained in the grant.

Indirect Costs. As specified in the Uniform Guidance, indirect costs are those that have been incurred for common or joint objectives and cannot be readily identified with a particular final cost objective. Grant recipients have two options to claim reimbursement of indirect costs.

**Option 1:** Grant recipients may use a Negotiated Indirect Cost Rate Agreement (NICRA, see 2 CFR part 200 Appendix IV) or Cost Allocation Plan (CAP, see 2 CFR part 200 Appendix V) supplied by the Federal Cognizant Agency. If grant recipients do not have a NICRA/CAP or have a pending NICRA/CAP, and in either case choose to include estimated indirect costs in their budget, at the time of award the Grant Officer will release funds in the amount of 15 percent of salaries and wages to support indirect costs. Within 90 days of award, grant recipients must submit an acceptable indirect cost proposal or CAP to its Federal Cognizant Agency to obtain a provisional indirect cost rate.

**Option 2:** Any non-Federal entity that does not have a current negotiated (including provisional) rate, with the exceptions noted at 2 CFR 200.414 in the Uniform Guidance, may elect to charge a de minimis rate of 15 percent of modified total direct costs (see 2 CFR 200.1 for definition). The de minimis rate does not require documentation to justify its use and may be used indefinitely. If a grant recipient chooses this option, this methodology must be used consistently for all Federal awards until such time it chooses to negotiate for an indirect cost rate, which it may apply to do at any time. (See 2 CFR 200.414 for more information on use of the de minimis rate.)

Applicants charging indirect costs to a grant must submit a NICRA or CAP, which has been approved by their Federal Cognizant Agency, that covers the entire period of performance.

Administrative Costs. ETA applies administrative cost limitations to all DWGs as follows.

1. A grant recipient with one or more subrecipients or project operators may retain up to 5 percent of the award amount for administrative costs, and the subrecipients may retain up to 10 percent of the award amount (for a total of 15 percent of the award).
2. If a state or a local workforce area is the grant recipient, total administrative costs must not exceed 10 percent.
3. ETA will negotiate administrative cost limitations with all other grant recipients.

WIOA title I functions and activities that constitute administrative costs are identified at 20 CFR 683.215. Administrative costs may include both direct and indirect costs.

#### **Section 4.F: Other Terms**

ETA may negotiate and fund projects under terms other than those specified in these DWG guidelines when applicants can demonstrate that such adjustments will achieve a greater positive benefit for the workers and/or the communities assisted, and provided the altered terms are allowable under WIOA and 20 CFR part 687; for more information visit the [grant terms and conditions website](https://www.dol.gov/agencies/eta/grants/resources) (<https://www.dol.gov/agencies/eta/grants/resources>).

### **Part 5: Post-Award Requirements and Information**

#### **Section 5.A: Participant Enrollment and Grant Performance**

Participant Enrollment. An important element in demonstrating success for DWG projects is participant enrollment. Grant funding amounts, including up-to award amounts for incrementally funded grants, are based largely on the total number of participants an applicant proposes to enroll, and assessing grant progress requires a consistent expectation for planned participant numbers.

Grant recipients may not reduce their total participant enrollment goal after approval of a full application. ETA encourages grant recipients to make all reasonable efforts to achieve or exceed planned participant levels; grant recipients who can demonstrate that they have made substantial efforts to meet enrollment goals will not be penalized in future grant applications for failure to meet these goals. In addition, ETA is concerned with *total* participant enrollment, inclusive of all the proposed categories of service such as disaster-relief employment and employment and training activities, and grant recipients are only expected to meet the total number of planned participants, not the sub-total for each service category separately, regardless of the service mix that was initially proposed.

#### Grant Performance

*Performance Measures.* For grant recipients that are states or outlying areas, the negotiated performance measures for the WIOA title I Dislocated Worker program serve as a basis for each DWG's performance goals. These performance measures are Employment Rate the second and fourth quarter after exit, Median Earnings the second quarter after exit, Credential Attainment, Measurable Skill Gains, and Effectiveness Serving Employers. ETA negotiates with states to determine acceptable performance measures for the title I Dislocated Worker program. These measures will be used for DWGs unless applicants request additional considerations to set performance measures for an individual grant. Grant recipients that are local WDBs use

performance measures negotiated with the state for the title I Dislocated Worker program. Grant recipients that are entities described in WIOA Section 166(c) Indian and Native American Program use measures established for that program as a basis for DWG performance targets. Goals approved in the DWG application serve as final performance measures for all grant recipients.

*Reporting.* DWG recipients must submit Quarterly Performance and Quarterly Narrative Reports in accordance with TEGL 14-18, *Aligning Performance Accountability Reporting, Definitions, and Policies Across Workforce Employment and Training Programs Administered by the U.S. Department of Labor (DOL)*, Attachment 6.

Further resources and information on DWG performance are available on the DWG performance web page (<https://www.dol.gov/agencies/eta/dislocated-workers/performance>). Grant recipients should be aware that performance data may be posted publicly on ETA's website.

DWG recipients must submit financial reports using the ETA-9130 (G) Financial Report, including training expenditures under Section 11c. Guidance and instructions are available at the Financial Reporting website (<https://www.dol.gov/agencies/eta/grants/management/reporting>).

## **Section 5.B: Post-Award Information**

Project Implementation Plan. Unless otherwise specified by the regional office, each grant recipient must develop a Project Implementation Plan to reflect the approved project design and funding parameters in the grant award as well as identify project timelines, anticipated outcomes, potential challenges for reaching targets, and other information that will enable ETA to support the grant recipient. The grant recipient must complete the implementation plan within 60 business days of the award of a grant following a full application and transmit the plan to the Federal Project Officer upon completion.

Grant Amendments. DWG recipients must request and obtain prior written approval for most revisions to a grant project, per the Uniform Guidance at 2 CFR 200.308. In order to request such changes (e.g., statement of work changes, budget realignments, and period of performance extensions), recipients must submit amendments to address the changing circumstances affecting the project's implementation. Recipients must also submit amendments to respond to special conditions of award, or to request incremental or additional funding. For additional information on the DWG amendment process, see ETA's How to Apply webpage (<https://www.dol.gov/agencies/eta/grants/apply>).

Grant Recipients Covered by the "477 Program". Public Law 102-477, the Indian Employment, Training and Related Services Demonstration Act of 1992, as amended, which is commonly called the 477 Program, was developed to tackle issues within Native communities by promoting Tribal self-determination and comprehensive community development. The 477 Program allows Federally-recognized Tribes to integrate funds and programs from across a number of Federal agencies into a single program, which is designed to enable streamlined operations, reduced administrative burdens, and enhance employment, training, and related program services within Native American communities.

DWGs are among the funds that are eligible to be consolidated under a 477 plan. ETA encourages Tribes which expect to consolidate their DWG award into an existing 477 plan to notify ETA in their application, so ETA can efficiently support the 477 process.